

HELP AMERICA VOTE ACT

NORTH DAKOTA



HAVA PLAN

A Cooperative Effort By:



*Secretary of State's Office
Al Jaeger, Secretary of State*

and





NORTH DAKOTA STATE HAVA PLAN

TABLE OF CONTENTS

SECTION	PAGE
<i>State Overview</i>	3
Governing Power	3
Voting Equipment	3
Voter Outreach	3
Statewide Database - Voter Registration	4
<i>Required Changes</i>	4
HAVA Compliance	4
Senate Bill 2248.....	4
Senate Bill 2394.....	4
Senate Bill 2409.....	5
<i>Required Descriptions</i>	5
Section 1 – Use of Requirements Payments.....	5
Section 2 – Distribution of Requirements Payments	6
Section 3 – Programs for Voter, Election Official & Poll Worker Education.....	8
Section 4 – Voting System Guidelines	9
Section 5 – Election Fund	9
Section 6 – Proposed Budget.....	10
Section 7 – State Maintenance of Effort.....	11
Section 8 – Performance Goals	11
Section 9 – Administrative Complaint Procedure	13
Section 10 – Title I Payment Activities	14
Section 11 – Ongoing Management of State HAVA Plan.....	14
Section 12 – Committee Descriptions	15
<i>Timeline</i>	17
<i>Contact Information</i>	17
<i>Appendix</i>	18

STATE OVERVIEW – BACKGROUND AND CURRENT PRACTICES

◆ GOVERNING POWER

Elections in the state of North Dakota are administered at the county level. North Dakota has 53 demographically diverse counties. The most populous, Cass County, has 90,599 residents within their county seat of Fargo. Conversely, Amidon, the county seat of Slope County, has a population of 26 citizens and is followed closely by the 49 residents of Manning, the county seat of Dunn County. The number of voting precincts administered per county ranges from three to 67, which totaled 666 precincts in the 2002 general election. The counties are served by a combination of elected and appointed county election officials. North Dakota's county election officials are responsible to the Secretary of State for administering all aspects of election management within their respective counties, including state election laws, rules and regulations [NDCC 16.1-01-01].

As the state's chief election official, the Secretary of State is elected and charged with the oversight of all elections, including administration of state election law, election official training, candidate filings, candidate certification, campaign finance and disclosure oversight, and compilation of election results [NDCC 16.1-01].

◆ VOTING EQUIPMENT

For elections, North Dakota has 44 counties that use optical scan voting systems, eight counties that use hand-count paper ballot voting systems, and one county that uses a punch-card voting system. Williams County, the only county using a punch-card voting system, will be used as a model pilot project for equipment replacement, precinct administration, and training for election officials and voters in 2004.

In addition to traditional Election Day voting methods, North Dakota also offers absentee voting to all qualified electors wishing and requesting to vote absentee.

Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all qualified electors have access to the election process.

◆ VOTER OUTREACH

Because of varying degrees of comfort with technology among the state's voting population, state and county election officials need to utilize resources that connect with all voters, regardless of their abilities. The Internet is currently used as a primary tool for providing and distributing information to voters. Other major mediums, including television, radio and print, are resources that will be utilized more extensively in the future. The state will work cooperatively with private, public and tribal entities, including institutions of government and higher education, to better educate specific citizen groups and general citizens about voting and the election process. The state will achieve this by using voter educational material in a variety of accessible formats, along with hands-on instruction and training on the new voting systems that will be used.



◆ STATEWIDE DATABASE – Voter Registration

North Dakota is the only state in the nation without some form of voter registration. It was one of the first states to adopt voter registration prior to 1900, and it was the first state to abolish it in 1951.

North Dakota's system of voting and lack of voter registration is rooted in its rural character, illustrated by numerous small precincts, where local election boards know most of the voters who enter the polls to vote on Election Day and may detect those who should not be voting in the precinct.

Because of North Dakota's unique election system, which does not require voters to register, the state is exempt from the National Voter Registration Act of 1993, along with several provisions of the Help America Vote Act of 2002 (HAVA), including but not limited to:

1. The implementation of a centralized voter registration system;
2. The implementation of certain provisional voting requirements; and
3. The voter identification requirements.

REQUIRED CHANGES – LEGISLATIVE CHANGES AND ACTIONS

◆ HAVA COMPLIANCE

The Fifty-eighth Legislative Assembly of North Dakota adopted significant election reform legislation by the passage of Senate Bills 2248, 2394, and 2409, which revised North Dakota's election laws to make them HAVA compliant.

Senate Bill 2248 changed existing state law to make it compliant with uniformed and overseas voter sections of HAVA. Further changes will be made by future rule making. Revised state law includes the following initiatives:

- Permits a United States citizen who is eighteen years of age or older, who has never lived in the United States and whose parent is a qualified elector of the state, to vote absentee in North Dakota, for federal offices only [NDCC 16.1-07-01].
- Establishes the Secretary of State's office as the single office in the state for providing information regarding eligible absentee voting by military and overseas citizens [NDCC 16.1-07-07].
- Directs the Secretary of State to establish uniform procedures for county election officials to follow when transmitting and receiving voting materials to and from military and overseas voters [NDCC 16.1-07-16].
- Directs the Secretary of State to establish uniform procedures for county election officials to follow when notifying military or overseas voters that their absentee ballot was rejected [NDCC 16.1-07-17].

Senate Bill 2394 authorized the creation of a centralized electronic voter database linked between the Secretary of State's office and the offices of county election officials. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud, for ensuring efficiency and accuracy, and for generating accurate, up-to-date Election Day poll books [NDCC 16.1-02].



Senate Bill 2409 allows the Secretary of State's office and county election officials to plan and take immediate steps to comply with HAVA requirements. Impacting several areas of North Dakota's election laws and phasing in HAVA implementation over the course of the next several years, the legislation adds the following initiatives to state law:

- Establishes by law the state's Election Fund for depositing payments and grants made to the state and funds appropriated by the state to carry out HAVA. The Election Fund shall be used for the exclusive purpose of carrying out activities of HAVA [NDCC 16.1-01-15].
- Requires and authorizes the Secretary of State to establish a state-based grievance procedure to handle complaints of violations under Title III of HAVA [NDCC 16.1-01-16].
- Requires additional information to be posted at the polling place on Election Day in accordance with HAVA [NDCC 16.1-06-19].
- Requires and authorizes the Secretary of State to adopt rules for the purpose of certifying and decertifying electronic voting systems and electronic counting machines to ensure compliance with federal standards; and to establish guidelines for determining what constitutes a vote on each electronic voting system authorized to be procured and used in the state [NDCC 16.1-06-26].
- Eliminates all references to voting machines (lever machines), and punch-card electronic voting systems and counting machines, and punch-card supplies [NDCC 16.1-06-10 repealed].
- Authorizes the use of direct recording electronic voting systems, more commonly referred to as DREs (including touch screen voting devices) that are intended to accommodate the disability requirements contained in Title III of HAVA [NDCC 16.1-06-11].
- Clarifies and expands the duties of the Secretary of State as they relate to the administration of elections and the implementation of changes necessary to comply with HAVA [NDCC 16.1-06-01].
- Authorizes the Secretary of State to promulgate administrative rules for implementing the provisions of Title 16.1 and any other requirement imposed upon the state by HAVA [NDCC 16.1-06-01].
- Changes the number of voting booths or compartments and electronic voting system devices required in each precinct [NDCC 16.1-13-29].
- Requires voters who cast ballots as a result of a polling place remaining open after normal voting hours by court order to cast provisional ballots in accordance with HAVA. Provisional ballots cast according to this provision must be segregated from other votes cast [NDCC 16.1-13-34].

◆ **REQUIRED DESCRIPTIONS** [Sec 254, HAVA 2002] _____

1. Section 254(a)(1): How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

a. Voting System Standards

Revised state law authorizes the use of voting systems within North Dakota that will comply with both second-chance voting and disability access requirements, as required by HAVA. Each polling location in North Dakota will be equipped



with a voting system capable of notifying the voter if corrections are necessary on his or her ballot (known as second-chance voting), and allows persons with disabilities, and others, to vote unassisted. Counties are authorized to continue using central counting machines to count absentee ballots. In addition to voting system upgrades, polling locations will also provide educational voter information in alternative formats to accommodate the needs of all persons eligible to vote.

b. Provisional Voting

North Dakota does not register voters and is, therefore, exempt from complying with certain provisional voting requirements contained in HAVA.

c. Voting Information Requirements

Voting information, provided in “easy to understand language,” will be posted and made available in accessible alternative formats in each polling location, to include information regarding federal laws pertaining to voting rights and prohibited acts of voter fraud; instructions for filing a complaint and contacting the appropriate election officials when voting rights are alleged to have been violated; and the date and hours of voting in each polling place.

d. Voter Registration List

North Dakota does not register voters and is therefore exempt from complying with the centralized voter registration and peripheral identification requirements required by HAVA.

2. Section 254(a)(2): How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of:

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; and**
- (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The Office of the Secretary of State will manage all expenditures funded by HAVA. The state will be responsible for accounting for all expenditures, program controls, and outcomes in accordance with state and federal laws.

Based on a target number of precincts established for each county, the state will calculate an allowable expense for voting equipment upgrades in each county. The target number of precincts for each county will be determined by a formula established by the county election officials appointed to the Steering Committee, as defined in Section 12. The formula shall take into account a number of variables, which include but are not limited to, the number of existing precincts, the number of votes cast per county in the last gubernatorial election, the number of eligible voters per county that are over age seventeen, and the size of each county in square miles. The formula shall provide funding incentives for the counties to reduce the number of precincts from the total number of precincts operated in 2002. A county may submit an informal written appeal of the formula or the county’s target number of precincts to the Secretary of State. The



Secretary of State shall consider appeals of the formula or target number of precincts in a county based on a review of the written record and determine if the formula or target number of precincts is fair and reasonable. The decision of the Secretary of State is final. The voting system upgrades for the targeted number of precincts within each county would be paid for at the following rate:

- 95% HAVA Contribution
- 2.5% State of North Dakota Contribution
- 2.5% County Contribution

Counties choosing to operate a total number of precincts or polling locations at a rate less than the targeted number of precincts calculated according to the formula outlined in this plan will only be responsible for providing matching funds for upgrading the voting systems in those precincts or polling locations that are operated by the county. Counties choosing to operate precincts in addition to the targeted number of precincts calculated according to the formula outlined in this plan will be responsible for the full cost of upgrading the voting systems in those precincts to match the voting system used in the other precincts in the county.

The state, through the Secretary of State's Office and an advisory group of county election officials and interested parties, will negotiate through the state's established procurement process the best-valued state contract for voting systems. Once a qualifying voting system has been selected, the Secretary of State and counties will enter into a joint powers or other agreement, and may include authorized negotiated agreements with other states, for the purpose of procuring a state-wide voting system that meets the requirements of HAVA and state standards.

Any revenue or interest generated by the state from any HAVA funds will be returned to the state's Election Fund to pay the expenses for technical service support and programming; for equipment maintenance and replacement, as necessary; and for future election related technology upgrades.

In order to meet state standards and be eligible to enter into the joint powers or other agreement, counties must:

1. Address minimum physical accessibility needs of polling places within the county as deemed necessary by the state. Accessibility needs in counties will be based on the results of an independent inspection arranged by the Secretary of State, in coordination with a qualifying authority and the county;
2. Provide storage and security for voting systems;
3. Comply with state-based grievance procedures;
4. Post the required voter information at the polling place, as provided by the state;
5. Provide the 2.5% match toward the initial purchase of voting systems authorized for the county based upon the target number of precincts; and
6. Meet any deadlines established by HAVA and this plan for the replacement of non-qualifying voting systems, voter education and election official training requirements, and any other requirements of HAVA or this plan.

3. Section 254(a)(3): How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

a. Election Officials and Poll Worker Education and Training

Currently, the Secretary of State's office holds training sessions for county election officials prior to the election cycle in each election year. The county election officials and the State's Attorney, in turn, hold training sessions for their election officials and poll workers prior to each election [NDCC 16.1-05-03]. Improvements for election official training and recruitment may be accomplished through, but are not limited to:

- Increasing training of county election officials in the areas of HAVA implementation and overall election administration through funding of grants to counties to participate in national election education programs.
- Establishing and implementing an on-going local election official continuing education program open to county, city, and school board officials to be coordinated through Secretary of State, North Dakota Association of Counties, North Dakota League of Cities, North Dakota School Board Association, United Tribes of North Dakota, the North Dakota Association of Tribal Colleges, and other institutions of higher education.
- Creating a uniform and standardized training program designed by the state, which would be presented in addition to local election information by each respective county election official, for all local election workers by the 2006 election. All election workers will be required to attend the newly created training program following its initial introduction.
- Coordinating cooperative efforts between media outlets and the state's political parties, League of Women Voters and other interest groups to establish programs to enhance election official recruitment and training, and encourage employers to allow time for election officials to serve.
- Developing web-based training sessions, which will be archived and allow for tutoring, testing, and possibly online certification of election officials and poll workers.
- Using the Interactive Video Network (IVN) for election training classes at remote sites.
- Creating and implementing training videos and compact discs to be made available to all election officials.

b. Voter Education

Improvements to voter education may be accomplished through, but are not limited to:

- Creating an Advisory Board responsible for coordinating voter education and outreach programs with youth organizations.
- Working with advocates for persons with disabilities, the aging community, and other groups to establish an outreach and education program designed to educate voters on the election process and new voting systems in North Dakota.
- Working cooperatively with public, private, and tribal entities, including institutions of local government and higher education, to establish an outreach program designed to educate voters on the election process and new voting systems in North Dakota.



- Developing and implementing a statewide precinct locator capable of providing quick and easy online information to voters about where to vote.
- Demonstrating new voting systems in public places.
- Producing a one-time mailer outlining voting and voter access information to be sent to every household in North Dakota.
- Developing and implementing web-based education and voter outreach, to include descriptions and maps of voting precincts, polling locations, and instructions for voting on voting devices.
- Continuing to publish sample ballots and analyses of the measures appearing on the ballot in each county's official newspaper, to include voter education information.

4. Section 254(a)(4): How the State will adopt voting system guidelines and processes which are consistent with Section 301.

The revisions to state law, approved by North Dakota's Fifty-eighth Legislative Assembly, provide a process to certify and decertify voting systems in the state. The Secretary of State will adopt rules that may take into account standards created by and results of testing conducted by the Federal Election Commission and/or the Election Assistance Commission, for certifying and decertifying electronic voting systems authorized by law, including any software, hardware and firmware components used as a part of an electronic voting system or electronic counting machine for use in the state. An electronic voting system, a single device of an electronic voting system, and any update or enhancement made to them, in use by a county prior to August 1, 2003, will be reviewed by the Secretary of State by April 1, 2004, and must meet the requirements of the rules, or must be replaced by another electronic voting system or electronic counting machine, a single device of an electronic voting system or electronic counting machine, or any update or enhancement made to them, that meets the requirements of the rules by January 1, 2006.

North Dakota will implement a voter education plan with the counties for second-chance voting, including statewide and local efforts to promote voting accuracy.

5. Section 254(a)(5): How the State will establish a fund described in subsection (b) for the purpose of administering the State's activities under this part, including information on fund management.

As required by HAVA, the Secretary of State has established and is maintaining an Election Fund for the exclusive purpose of carrying out activities of HAVA. Following the receipt of HAVA payments, any subsequent deposits consisting of interest or revenue generated from HAVA money will be returned to the state's Election Fund to pay the expenses for the technical service support and programming; for equipment maintenance and replacement, as necessary; and future election related technology upgrades.

- 6. Section 254(a)(6): The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on:**
- (A) The costs of the activities required to be carried out to meet the requirements of Title III;**
 - (B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and**
 - (C) The portion of the requirements payment which will be used to carry out other activities.**

The Fifty-eighth Legislative Assembly authorized \$105,000, just over 2.5%, in matching funds for federal election reform. Funding estimates are based on the assumption Congress will allocate a minimum of an additional \$4.15 Million to the state for the purpose of election reform.

No.	Activity	Funding Estimates*	Description
1.	Voting System Upgrades and Improvements <ul style="list-style-type: none"> Punch-card replacement (Williams County) Second-Chance Voting and Disability Access 	Between \$5,000,000 AND \$6,000,000	<ul style="list-style-type: none"> Replace punch-card equipment in Williams County Placement of at least one voting system in each precinct consisting of equipment capable of offering second-chance voting and unassisted voting access for persons with disabilities
2.	Statewide Voter Registration Database	NA	<ul style="list-style-type: none"> North Dakota is exempt
3.	Voter Education for Second-Chance Voting Requirement	\$100,000	<ul style="list-style-type: none"> Develop and execute a publicity campaign and system specific voter education materials
4.	Voting Information Posting Requirements	\$100,000	<ul style="list-style-type: none"> Develop and distribute posters containing required information and other instructional materials
5.	Provisional Voting	NA	<ul style="list-style-type: none"> North Dakota is exempt from certain portions of provisional voting as required by HAVA
6.	State-Based Grievance Procedure	\$50,000	<ul style="list-style-type: none"> Adopt, train, and administer a state-based grievance procedure
7.	Requirements for first time voters who register by mail	NA	<ul style="list-style-type: none"> North Dakota is exempt
8.	Voter Education	\$200,000	<ul style="list-style-type: none"> Develop and execute programs to provide quality voter education in harmony with Activity No. 3, 4 and 6
9.	Election Official Education and Training and Poll Worker Training	\$120,000	<ul style="list-style-type: none"> Develop and execute programs to provide quality election official training and poll worker training
10.	Central Voter File	\$1,000,000	<ul style="list-style-type: none"> Develop and implement

			a centralized database of voters for purposes of preventing and detecting fraud, and creating Election Day poll books
11.	Adopt and Develop Voting System Standards and a Voting System Test Process	\$30,000	<ul style="list-style-type: none"> • Adopt and develop voting system standards and test processes in accordance with Federal Election Commission or Election Assistance Commission standards and testing results
12.	Monitoring Performance Goals and Production of Report	\$100,000	<ul style="list-style-type: none"> • Ensure compliance with HAVA
13.	Development of State Plan and On-going Management of the State Plan	\$270,000	<ul style="list-style-type: none"> • Ensure the continued management of the HAVA activities in cooperation with local election officials
	Total	Between \$6,970,000 AND \$7,970,000	

**Activity Funding Estimates are 'best estimates,' and are likely to increase and/or decrease in the process of actual implementation. All funding estimates are based on the calculated amount of federal election reform funding being allocated to North Dakota.*

7. Section 254(a)(7): How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

North Dakota will maintain expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures in state FY2000, which was \$35,841. This number is a reflection of *state* expenditures only and does not reflect expenses incurred by counties.

8. Section 254(a)(8): How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State's office, with the cooperation of the county election officials and the assistance of the North Dakota Association of Counties, is responsible for ensuring success in meeting each performance goal. A comprehensive performance report will be produced following the January 1, 2006, complete compliance deadline.

Performance goals include:

- a. Elimination of punch-card voting equipment.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Replacement of punch-card voting equipment and compliance with Title III HAVA requirements for Williams County, the only county to utilize punch-card equipment in the 2000 General Election.
 - iii. How Criteria is Judged: Success of meeting this performance goal is based on the implementation of a compliant voting system in Williams County by January 1, 2006.
 - iv. Responsible Official: Secretary of State, with cooperation of the Williams County election official, and assistance of the North Dakota Association of Counties.
- b. Voter education program on how to correctly cast a ballot for each type of voting system, and how to utilize the second-chance voting capabilities of each.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system, clearly explaining to voters how to correctly cast a ballot, correct an error, obtain a replacement ballot, and the effect of casting multiple votes for an office. Materials and training will be available in alternative, accessible formats and will be designed to meet the needs of a diverse audience.
 - iii. How Criteria is Judged:
 - a) Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed and coordinated with county election officials; and
 - b) Through comparison of the number of incorrect ballots cast prior to the implementation of voter education program and the number of incorrect ballots cast following the implementation of the voter education program.
 - iv. Responsible Official: Secretary of State with the cooperation of county election officials, and the assistance of the North Dakota Association of Counties.
- c. Accessibility for individuals with disabilities.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Implementation of an accessible voting system meeting the requirements of HAVA and assuring the minimum physical accessibility of polling places, as deemed necessary by the state, has been met.
 - iii. How Criteria is Judged: Success of meeting this performance goal is based on the placement of an accessible voting system meeting the requirements of



HAVA and the number of valid accessibility-related complaints received by the Secretary of State.

- iv. Responsible Official: Secretary of State with the cooperation of county election officials, and the assistance of the North Dakota Association of Counties.

d. Posting of voting information in polling locations.

- i. Timetable: January 1, 2006
- ii. Criteria: Posting of the required voting information in "easy to understand language," and in alternative, accessible formats in each polling location. Voter information on new voting systems will be posted in conjunction with new voting system implementation in each county.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information and its availability in accessible, alternative formats in each polling location in the state.
- iv. Responsible Official: Secretary of State with the cooperation of county election officials.

9. Section 254(a)(9): A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

The secretary of state shall establish a uniform state-based administrative complaint procedure to remedy grievances according to section 402 of the Help America Vote Act of 2002 (HAVA) [*Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15512*]. The complaint procedure must be uniform and nondiscriminatory and address complaints of violations of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is about to occur. A complaint filed under the complaint procedure must be in writing, notarized, and be signed and sworn by the person filing the complaint and state the alleged violation of federal or state law. The secretary of state is authorized to consolidate complaints. At the request of a complainant, the secretary of state shall establish a procedure for providing a review on the record. If the secretary of state determines there is a violation of a provision of Title III of HAVA [*Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15481-15502*], the secretary of state shall determine and provide an appropriate remedy. If the secretary of state determines that a violation of Title III of HAVA has not occurred, the secretary of state shall dismiss the complaint and publish the results of the review. The secretary of state shall make a final determination with respect to a complaint within ninety days of the date the complaint is filed with the secretary of state, unless the complainant consents to a longer period of time for the secretary of state to make a determination. If the secretary of state fails to meet the ninety-day deadline for determining a complaint, the complaint must be resolved within sixty days under an alternative dispute resolution procedure. [*NDCC 16.1-01-16*]

10. Section 254(a)(10): If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Williams County, the only county using a punch-card voting system, will be used as a model pilot project in upgrading voting systems to the requirements of HAVA and state law, precinct administration, and training for election officials and voters. Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all individuals have access to the election process. To ensure uniformity, each polling location in North Dakota will be equipped with an accessible voting system capable of notifying the voter if corrections are necessary to his or her ballot (known as second-chance voting) and allows persons with disabilities, and others, to vote unassisted. To achieve this goal, the state will attempt to implement a new voting system, or parts thereof, in Williams County and other counties by June 1, 2004. All counties will be required to be in full compliance by January 1, 2006. These requirements are subject to voting system availability.

North Dakota is exempt from the National Voter Registration Act of 1993, along with the voter registration and certain provisional voting requirements contained in the Help America Vote Act of 2002.

Revised state law authorizes the creation of a centralized electronic voter database that will link the Secretary of State's office with county election officials' offices. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud and generating accurate, up-to-date Election Day poll books.

11. Section 254(a)(11): How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change:

- (A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State Plan;
- (B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- (C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

Ongoing management of the State Plan is the responsibility of the Secretary of State. Minor changes will be administered by the Steering Committee. In the event of a material change to the proposed plan, a State HAVA Planning Committee, including representation from local government, voter interest groups, and general citizens, may be reconvened for review and consultation. All members recognize HAVA as a constantly evolving program requiring significant enhancements in the administration of elections in North Dakota. To ensure proper and comprehensive daily administration, the Secretary of State, county election officials, and the North Dakota Association of



Counties will continue to build and rely on the unique trust and cooperation which characterizes the relationship between North Dakota's state and local governments.

12. Section 254(a)(13): A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

Two separate committees were organized to complete drafting, advocate voter interest, and review the State Plan. Both committees were staffed and facilitated by the Secretary of State and the North Dakota Association of Counties.

◆ STEERING COMMITTEE

The Steering Committee researched and drafted the State Plan. Membership includes county election official representation from two large, two medium and two small population counties, with a cross-section of punch-card, paper ballot and optical scan voting equipment representation. Future membership of the Steering Committee shall consist of representation from the North Dakota Association of Counties, to include the HAVA Coordinator, the Secretary of State's office, and county election officials, representing large, medium, and small population counties, who are appointed by the North Dakota Association of County Auditors.

Cory Fong	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Beth Innis	Williams County Auditor
Roy Steiner	Hettinger County Auditor
Susan Ritter	Renville County Auditor
Dave Senger	Ward County Auditor
Sherry Hosford	Sargent County Auditor
Jim Brownlee	Grand Forks County Auditor
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Amble	Executive Assistant, North Dakota Association of Counties

◆ STATE HAVA PLANNING COMMITTEE

The State HAVA Planning Committee represents a broad cross-section of interests and consists of eighteen members, including county and local officials, representation from the disabilities community, the technology sector, voter interest groups, along with everyday citizens. Future membership of the State HAVA Planning Committee shall consist of representation from local government, voter interest groups, and general citizens.

Mike Montplaisir	Chairman, Cass County Auditor (most populous jurisdiction)
Kevin Glatt	Burleigh County Auditor (second most populous jurisdiction)
Ruth Graf	Kidder County Auditor
Edward McGough	Barnes County Auditor
Dennis Schlenker	League of Cities
David Blackstead	North Dakota School Board Association
Patty Carblom	North Dakota County Commissioners
Corinne Hofmann	Protection and Advocacy
Jason Stverak	North Dakota Republican Party
Renee Pfenning	North Dakota Democratic NPL Party
Sue Tohm	League of Women Voters
Sheyna Henry* Janelle Olson*	People First of North Dakota
Phil Baird	North Dakota Indian Affairs Commission
Bruce Hagen	American Association of Retired People (AARP)
Steve Kelsch	North Dakota Association of Counties Information Technology
Tim Reuer	General Citizen
Betty Svihovec	General Citizen
Roger Bailey	General Citizen
FACILITATORS:	
Cory Fong	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Amble	Executive Assistant, North Dakota Association of Counties

*Shared membership



◆ **TIMELINE**

April 30..... First meeting of HAVA Steering Committee
May 1 NDACo Legislative Wrap-up, Bismarck
May 22 First meeting of HAVA State Planning Committee
June 2 Draft review by Secretary of State and NDACo
June 5 Second meeting of HAVA State Planning Committee
June 10-13..... ND County Auditor's Convention, Grand Forks
HAVA presentation by Doug Lewis
(Review of plan to-date and recommendations)
June 19 Third meeting of HAVA State Planning Committee
June 25-July 25 Public Comment Period, population centers in the state
July 31 Fourth and final meeting of HAVA State Planning Committee
August 4..... Final plan review by Secretary of State
August 11..... Submission of HAVA State Plan to Election
Administration Commission and/or other appropriate federal
agencies*
September 2003 Procurement Materials provided to Voting System Vendors
September 2003 Certification of State Plan by Governor, following publication in
Federal Register*
September 30 Deadline for Title III Funds Application to EAC*
October 5-7, 2003 Voting System Exhibition, North Dakota Association of Counties
Annual Conference, Bismarck
January 1, 2006..... Voter Information Posted in Polling Locations
January 1, 2006..... Complete HAVA Compliance
**Pending establishment of EAC or designation of other appropriate governing federal agency*

FOR MORE INFORMATION, CONTACT

Cory Fong
Deputy Secretary of State
State of North Dakota
600 East Boulevard Avenue Dept 108
Bismarck ND 58505
(701) 328-3360
cfong@state.nd.us

Danette Odenbach
HAVA Coordinator
ND Association of Counties
1661 Capitol Way
Bismarck ND 58501
(701) 328-7318
danette.odenbach@ndaco.org

◆ APPENDIX A (1)

Possible Funding Formula						
Maximum Precincts to Be Funded						
The average of:						<u>Weight</u>
Number of Existing Precincts as of 2002						3
Votes Cast in last Gubernatorial Election (In Thousands-Rounded)						1
Eligible Voters (<17 Pop.) (In Thousands-Rounded)						1
Five times the area in Square Miles (In Thousands-Rounded)						1
	2002 Existing Precincts	2000 Votes Cast for Governor (Thousands)	2000 Population Over 17 (Thousands)	Area in 1000 Sq. Mi Times 5	Funded Precincts (Average of Factors)	Difference From Existing Precincts
Weight	3	1	1	1	6	
Adams	3	1	2	5	3	0
Hettinger	3	2	2	6	3	0
Towner	3	1	2	5	3	0
Dickey	3	3	4	6	4	1
Billings	4	1	1	6	3	-1
Bowman	4	2	2	6	4	0
Golden Valley	5	1	1	5	4	-1
Steele	5	1	2	4	4	-1
Logan	5	1	2	5	4	-1
Renville	5	1	2	4	4	-1
Rolette	5	4	9	5	6	1
Slope	6	1	1	6	4	-2
Sheridan	6	1	1	5	4	-2
Burke	6	1	2	6	5	-1
Divide	6	1	2	6	5	-1
Eddy	6	1	2	3	4	-2
McIntosh	6	2	3	5	5	-1
Sargent	6	2	3	4	5	-1
Wells	6	2	4	6	5	-1
Oliver	7	1	1	4	5	-2
Griggs	7	2	2	4	5	-2
Grant	7	1	2	8	5	-2
Nelson	7	2	3	5	5	-2
Ransom	7	3	4	4	5	-2
Benson	8	2	4	7	6	-2
Kidder	9	1	2	7	6	-3
Sioux	9	1	2	5	6	-3

Appendix A (1) Continued

	2002 Existing Precincts	2000 Votes Cast for Governor (Thousands)	2000 Population Over 17 (Thousands)	Area in 1000 Sq. Mi Times 5	Funded Precincts (Average of Factors)	Difference From Existing Precincts
Mountrail	9	3	5	9	7	-2
Foster	10	2	3	3	6	-4
Emmons	11	2	3	8	8	-3
Pierce	11	2	4	5	7	-4
LaMoure	11	3	4	6	8	-3
McHenry	11	3	5	9	8	-3
Dunn	12	2	3	10	9	-3
Traill	13	4	6	4	9	-4
Ramsey	13	5	9	6	10	-3
Pembina	14	4	6	6	10	-4
Bottineau	15	4	6	8	11	-4
Mercer	15	4	6	5	10	-5
Stark	15	10	17	7	13	-2
McLean	16	5	7	11	12	-4
McKenzie	17	2	4	14	12	-5
Walsh	18	5	9	6	12	-6
Williams	18	8	15	10	15	-3
Stutsman	18	9	17	11	15	-3
Morton	18	11	18	10	16	-2
Cavalier	22	2	4	7	13	-9
Richland	22	8	14	7	16	-6
Barnes	23	6	9	7	15	-8
Ward	32	23	43	10	29	-3
Burleigh	38	35	52	8	35	-3
Grand Forks	43	29	50	7	36	-7
Cass	67	59	94	9	61	-6
	666	292	480	345	525	-141

◆ APPENDIX A (2)

RAW DATA				
	2000 Population Total	2000 Population Over 17	Area Square Miles	2000 Votes Cast for Governor
Adams	2,593	1,992	988	1,227
Hettinger	2,715	2,081	1,132	1,554
Towner	2,876	2,168	1,025	1,230
Dickey	5,757	4,388	1,131	2,843
Billings	888	667	1,152	536
Bowman	3,242	2,462	1,162	1,523
Golden Valley	1,924	1,379	1,002	827
Steele	2,258	1,634	712	1,234
Logan	2,308	1,786	993	1,204
Renville	2,610	2,001	875	1,352
Rolette	13,674	8,689	902	4,485
Slope	767	573	1,218	456
Sheridan	1,710	1,344	972	954
Burke	2,242	1,775	1,104	1,061
Divide	2,283	1,821	1,259	817
Eddy	2,757	2,106	632	1,306
McIntosh	3,390	2,734	975	1,738
Sargent	4,366	3,211	859	2,229
Wells	5,102	3,953	1,271	2,437
Oliver	2,065	1,499	724	1,061
Griggs	2,754	2,133	708	1,502
Grant	2,841	2,175	1,660	1,471
Nelson	3,715	2,895	982	1,876
Ransom	5,890	4,419	863	2,784
Benson	6,964	4,451	1,389	2,213
Kidder	2,753	2,115	1,352	1,299
Sioux	4,044	2,414	1,094	1,073
Mountrail	6,631	4,771	1,824	2,958
Foster	3,759	2,774	635	1,761
Emmons	4,331	3,256	1,510	2,031
Pierce	4,675	3,560	1,018	2,040
LaMoure	4,701	3,563	1,147	2,534
McHenry	5,987	4,553	1,874	2,823
Dunn	3,600	2,614	2,010	1,759
Traill	8,477	6,373	862	4,224
Ramsey	12,066	9,047	1,186	5,061
Pembina	8,585	6,445	1,119	3,838

Appendix A (2) Continued

	2000 Population Total	2000 Population Over 17	Area Square Miles	2000 Votes Cast for Governor
Bottineau	7,149	5,562	1,669	3,728
Mercer	8,644	6,131	1,045	4,414
Stark	22,636	16,855	1,338	9,937
McLean	9,311	7,099	2,110	4,719
McKenzie	5,737	3,981	2,742	2,385
Walsh	12,389	9,298	1,282	5,255
Williams	19,761	14,589	2,071	7,999
Stutsman	21,908	16,903	2,222	9,236
Morton	25,303	18,480	1,926	11,352
Cavalier	4,831	3,643	1,489	2,424
Richland	17,998	13,561	1,437	8,178
Barnes	11,775	9,151	1,492	5,807
Ward	58,795	43,372	2,013	22,682
Burleigh	69,416	52,241	1,633	34,777
Grand Forks	66,109	50,374	1,438	28,641
Cass	123,138	94,290	1,766	59,394
	642,200	481,351		292,249